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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/886,324	06/21/2001	Richard Alan Diedrich	ROC920010117US1	5395

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EXAMINER

SHINGLES, KRISTIE D

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 11/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/886,324	<b>Applicant(s)</b> DIEDRICH ET AL.	
	<b>Examiner</b> Kristie Shingles	<b>Art Unit</b> 2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 21 June 2001.
- 2a) ☐ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |  |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) •<br>2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)<br>3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/21/01</u> . • | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____<br>5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)<br>6) <input type="checkbox"/> Other: _____ |
|---|--|

## DETAILED ACTION

*Claims 1-39 are pending.*

### *Drawings*

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 4040. Corrected drawing sheets, or amendment to the specification to add the reference character(s) in the description, are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 404. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page

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header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

3. The disclosure is objected to because of the following informalities:
  - a. Misspelled title: "Maping" should read "Mapping".
  - b. Misnumbering: reference number 404 should be 4040 to correspond with reference number in drawings (pgs.13, 14).

Appropriate correction is required.

### ***Claim Objections***

4. **Claim 14** is objected to because of the following informalities: duplicity—claim 14 is a duplicate of independent claim 1. Appropriate correction and/or cancellation of one of the claims is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. **Claims 29, 34 and 37** are rejected under 35 U.S.C. 102(e) as being anticipated by *Kubica et al* [US 20020035432].

a. **Per claim 29**, *Kubica et al* teach a server computer system, comprising:

- a storage area containing a network address locator data structure comprising metatags associated with network addresses [pg. 3 paragraph 0034; spatial indexing system provides storage of internet address and the unique identifier associated with it];
- wherein the metatags contain geographic region information defining regions [pgs. 2-3 paragraphs 0026-0028 and pg.4 paragraph 0054; the unique identifier achieves purpose of metatags and contains geographic referencing information]; and
- an application configured to search the network address locator data structure for a network address associated with a region in response to receiving a query containing geographic location information indicative of a current location of a requesting device [Abstract, pg.5 paragraphs 0057-0061, pg.7 paragraphs 0083-0087, pg.9 paragraphs 0106-0107, pg.9 Table and Fig.5; spatial indexing system allows for querying and searching of the network/IP address for an associated geographic location].

b. **Claim 34** is substantially similar to claim 24 and is therefore rejected under the same basis.

c. **Per claim 37**, *Kubica et al* teach the data structure of claim 34, wherein the at least one network address is a uniform resource locator [pg.8 paragraphs 0096-0098; systems supports manipulations with URLs in addition to network addresses].

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-6, 10-12, 14-18, 22-28, 31 and 35** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Marmor et al* [US 20020062310] in view of *Kubica et al* [US 20020035432].

a. **Per claim 1**, *Marmor et al* teach a method of locating network addresses according to geographic information, comprising:

- receiving a query for a network address associated with a geographic region, wherein the query contains geographic location information indicating a current position of requesting device [pgs. 2-3 paragraphs 0028-0033 and Table 1; implementation of the P2P communications protocol permits query receipt and query response which contains the IP address associated a computer in the specified geographic region,];
- parsing the query [pg.5 paragraphs 0058 and 0065; XML Parser parses queries]; and
- returning at least the network address associated with the geographic region [pg.3 paragraph 0032 and pg.4 paragraphs 0043-0047; the QueryHit reply contains the IP address associated with a computer in that particular geographic region and filters the results according to geographic measures, e.g. distance from the requesting device].

Yet, *Marmor et al* fail to distinctly teach locating, in a network address locator data structure, geographic region information defining the geographic region and satisfying the query according to the geographic location information. However, *Kubica et al* teach implementing a spatial index system that utilizes network addresses, which include geographic location information useful for satisfying location or position queries [Abstract and pg.3 paragraphs 0029-0037].

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the teachings of *Marmor et al* and *Kubica et al* for the purpose of forming geographic associations with network addresses according to the relational geospatial information.

b. **Claims 14 and 24** are substantially equivalent to claim 1 and are therefore rejected under the same basis.

c. **Per claim 2**, *Kubica et al* teach the method of claim 1, wherein locating comprises matching the geographic region information to geographic location information [pg.2-4 paragraphs 0026 and 0034-0039; spatial indexing system provides a global reference system and a relational positional database for reconciling/matching regional data with locational and absolute/relative positioning data].

d. **Claim 22** is substantially similar to claim 2 and is therefore rejected under the same basis.

e. **Per claim 3**, *Kubica et al* teach the method of claim 2, wherein matching comprises determining that at least one point defined by the geographic location information is

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contained within the geographic region [pgs.3-4 paragraphs 0037-0038 and pgs.6-7 paragraphs 0076-0080; example spatial index embodiment exhibits making a determination of whether a utility pole defined by a specific location, is actually contained within the geographic region based on the absolute/relative positioning system, furthermore matching of particular reference points is achieved].

f. **Claim 23** is substantially similar to claim 3 and is therefore rejected under the same basis.

g. **Per claim 4**, *Kubica et al* teach the method of claim 1, wherein the network address locator data structure is a searchable index compiled by at least one spider [Abstract, pg.3 paragraph 0031 and pg.10 paragraphs 0114-0116; the OX Spatial Index is searchable, comprises a database and is compiled by more than one spider].

h. **Claims 16, 31 and 35** are substantially similar to claim 4 and are therefore rejected under the same basis.

i. **Per claim 5**, *Kubica et al* teach the method of claim 1, wherein locating comprising accessing user-defined region information containing at least one region defined by a user issuing the query [Fig.5 and pg.8 paragraphs 0096-0100; system has access to user-defined region queries].

j. **Claims 17 and 26** are substantially similar to claim 5 and are therefore rejected under the same basis.

k. **Per claim 6**, *Kubica et al* teach the method of claim 1, wherein the network address locator data structure comprises a plurality of network address entries and associated



geographic region entries [pg.3 paragraphs 0029-0031, pg.9 Table and paragraph 0109; spatial index system comprises a plurality of network addresses with their corresponding regions].

l. **Claim 18** is substantially similar to claim 6 and is therefore rejected under the same basis.

m. **Per claim 10**, *Kubica et al* teach the method of claim 1, wherein the query contains search information indicating to a search tool a geographic region search mode [Fig.5 and pg.8 paragraphs 0096-0100; search criteria and parameters may include geographic areas/regions].

n. **Claims 15 and 25** are substantially similar to claim 10 and are therefore rejected under the same basis.

o. **Per claim 11**, *Kubica et al* teach the method of claim 1, wherein the query contains search information indicating to a search tool a geographic location search mode and wherein locating the geographic region comprises accessing a geographic region entry of the network address locator data structure [pg.9 paragraphs 0107-0110; user's query may contain search information for a specific geographic location wherein the OX Spatial Index would use its acquired attribute data, associated with each spatial IP address, to access the geographic location information].

p. **Per claim 12**, *Kubica et al* teach the method of claim 1, wherein searching for the network addresses comprises processing metatag information retrieved from geographic location metatags contained in Web pages, wherein the geographic location metatags comprise a geographic location name attribute and an associated content attribute containing the geographic region information [pgs.2-3 paragraphs 0026-0030, 0032, 0034, pg.4 paragraph 0054 and pg.9

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Table; metadata is recorded and processed in the spatial indexing system which is used as user input for updating data in the spatial index, this metadata is furthermore achieved and realized with the SIP address and the unique identifier which comprise geographic location with relational attribute data in an index].

q. **Per claim 13**, *Kubica et al* teach method of claim 12, wherein the geographic location metatags contain geographic region information for a plurality of regions [pg.3 paragraphs 0029-0034, pg.4 paragraph 0054, pgs.9-10 paragraphs 0109-0113 and pg.9 Table; metadata is provided by the user along with SIP addresses and unique identifiers that contain geographic information for a plurality of regions and locations].

r. **Claim 36** is substantially similar to claim 13 and is therefore rejected under the same basis.

s. **Per claim 27**, *Marmor et al* teach the method of claim 24, wherein discarding comprises accessing user-preference information to eliminate the at least one of the at least two network addresses [pg.4 paragraphs 0043-0047; discarding is implied in the system's ability to filter, eliminate, and display the results according to distance or other geographic measures].

t. **Claim 28** is substantially similar to claim 27 and is therefore rejected under the same basis.

9. **Claims 7-9, 19-21, 30, 32, 33, 38 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Marmor et al* and *Kubica et al* in view of *Liming* [US 20020055924].

a. **Per claim 7**, *Marmor et al* and *Kubica et al* teach the method of claim 1 as applied above, yet fail to distinctly teach the geographic location information comprises global positioning system (GPS) coordinates. However, *Liming* distinctly teaches the use of GPS coordinates in the spatial location system [pg.2 paragraphs 0013-0016].

It would have been obvious to one of ordinary skill in the art at the time of the applicant's invention to combine the teachings of *Marmor et al* and *Kubica et al* and *Liming* for the purpose of extending the invention's functionality by implementing compatibility with the well-known GPS coordination scheme.

b. **Claims 19, 30, 32 and 38** are substantially similar to claim 7 and are therefore rejected under the same basis.

c. **Per claim 8**, *Kubica et al* teach the method of claim 7, wherein the GPS coordinates comprise a longitudinal coordinate, a latitudinal coordinate and an altitudinal coordinate [pg.6 paragraph 0069; spatial indexing system allows for three-dimension reference points with the latitude, longitude and altitude coordinates].

d. **Claims 9, 20, 21, 33 and 39** are substantially similar to claim 8 and are therefore rejected under the same basis.

***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. *Naidoo* (USPN 6,629,136) discloses a system and method for providing geographically-related content over a network.
- b. *Karaul et al* (US 20020024943) disclose internet protocol based wireless call processing.
- c. *Rabe* (USPN 6,640,184) disclose a method and apparatus for providing location information.
- d. *Anderson et al* (USPN 6,684,250) disclose a method and apparatus for estimating a geographic location of a networked entity.
- e. *Schneider* (USPN 6,760,746) discloses a method, product, and apparatus for processing a data request.
- f. *Macpherson et al* (US 20020087726) disclose locality-related internet services.
- g. *Arner* (US 20020002599) discloses a real-time global positioning system application in two-way mobile wireless networking.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kristie Shingles whose telephone number is 571-272-3888. The examiner can normally be reached on Monday-Friday 8:30-6:00.

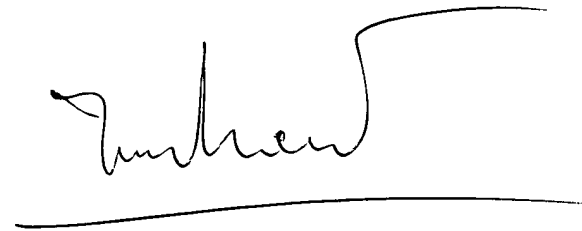
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kristie Shingles  
Examiner  
Art Unit 2141

kds

A handwritten signature in black ink, appearing to read 'Le Hien Luu', is written above a horizontal line.

LE HIEN LUU  
PRIMARY EXAMINER